

**TITLE**

Evidence to Inquiry into the Future of Public Service Broadcasting held by the Department for Digital, Culture, Media and Sport, House of Commons Select Committee

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**Evidence to Inquiry into the Future of Public Service Broadcasting held by the Department for Digital, Culture, Media and Sport, House of Commons Select Committee**

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I am submitting this evidence on behalf of the Institute of Economic Affairs, London and on my own behalf as a researcher in the area of the economics of public policy at the institution at which I am Professor of Finance, Public Policy and Ethics.

I am submitting the evidence because it is part of my obligations as a university academic to ensure that there is public benefit from my research and also because it aligns with the mission of the Institute of Economic Affairs for which I also work.

**Summary**

- The time is ripe for a proper debate about the meaning of “public service broadcasting”.
- The nature of the broadcast market has changed to such a degree that public service broadcasting (insofar as it can be defined) should no longer be delivered largely by one institution. Indeed, we should go further: there is no need for specific policy in relation to public service broadcasting. Analogies with the development of publishing in the 19<sup>th</sup> century are especially pertinent.
- This does not mean that governmental bodies and other organisations should not seek to achieve legitimate public policy aims by subsidising broadcasting or streamed content – but broadcasting or content provision would be an instrument rather than a target of policy.
- Niche providers are often better than the BBC at ensuring the broadcasting of good quality content to meet minority tastes. The BBC is clearly most attractive to higher-income white audiences, despite the impression it tries to convey in its marketing.
- The fact that the market for broadcasting is now international and not limited to those who can watch at a given time means that much artistic, educational and cultural programming, which might not have been economic in the past, can now be economic and not need subsidy.
- Changes in technology mean that the current approach to financing, owning and regulating the BBC is no longer tenable. The BBC should be financed by subscription and owned by its subscribers. It could then determine different subscription models for different markets (including online and overseas). This model has a number of advantages over alternative models of reform.
- The BBC should lose its legal privileges and be treated in the same way as all other news and media organisations for competition and other purposes.

## 1. Introduction

1.1. This submission deals with the last topic first: *Looking Ahead*. This is because answers to the questions in that topic are necessary before the other subjects of the inquiry can be addressed. Indeed, it may be the case that some of the other questions become irrelevant depending on the answers to this set of questions. For the purpose of this submission, public service broadcasting is defined as content that the market does not sufficiently provide.

## 2. “What should a PSB look like in a digital age? Is the term ‘public service broadcasting’ still relevant and, if not, what is a suitable alternative?”

2.1 The Peacock Report of 1986 was a pivotal moment in the development of thinking about public service broadcasting. Since that report, except for the Charter Review of 2005, fundamental questions about the nature of public service broadcasting have not been seriously considered within a governmental or parliamentary setting. This is despite the huge advances in technology and the rapidly changing commercial landscape which, arguably, make the whole concept of “public service broadcasting” redundant.

2.2 In the UK, historically, a decision was taken to finance a particular broadcaster, the BBC, by a licence fee levied on the purchase of all television sets. The BBC, though operating at arms’ length, obtained its remit from the government. It has often been argued that this was justified because broadcasting has the quality of a public good. Public goods (Samuelson, 1954) are goods which are not excludable (so it is difficult to stop people who do not pay for them benefiting from their provision). They are also non-rivalrous (that is, the marginal cost of serving an additional user is close to zero). Public goods can be under-provided in the market. Given the available technology in the early years of broadcasting, a plausible case could be made that broadcasting had these qualities and that something like a licence fee was appropriate.

2.3 Given this method of funding, a case could then be made for government intervention in the remit of the BBC, its governance and the content of its programmes. This was partly on the grounds of lack of competition and partly because the method of financing meant that price signals could not communicate consumer preferences effectively. It should be noted, though, that lack of competition with the BBC was largely a result of government policy, at least from the late 1950s: the institution, throughout most of its history, has been protected from competition.

2.4 Changes in technology meant that broadcasting became excludable. A good which is excludable is known in economics as a “club good” (Buchanan, 1965). Club goods are normally financed by subscription – a common method of funding broadcasting today (see below). Some, but not all, of these technical changes had taken place by 1986 when the Peacock Commission sat. By then, the main argument for government intervention in broadcasting was that there were “positive externalities” (that is social benefits that would not be captured by market prices) from high quality television programmes. Recognition of this should really have taken us to a position of subsidising broadcasting content in the same way that we subsidise culture and arts more

generally. This was precisely the conclusion of the Peacock Report (1986). The Peacock Commission made direct analogies (page 563) with government support for arts and culture and proposed a grant-giving body for particular types of programming which gave grants on a competitive basis. If this approach had been adopted it would have allowed, a wide range of broadcasters to bid for public funds against the BBC.

2.5 When the report was presented to Parliament by Douglas Hurd, Hurd suggested that he favoured the model of competition Peacock proposed<sup>1</sup>. The Labour government suggested the same in paragraph 10.8 of the 2005 Charter Review.

### **Public service broadcasting today**

2.6 Since 2005, government and policy analysis within government circles in this area has gone (to use a not-very-technical term) “all over the place”. The definition and characteristics of public service broadcasting used by Ofcom in Ofcom (2017) makes no sense and does not accord with relevant legislation. The arbitrary nature of the characteristics that are included in Ofcom’s definition are illustrated by its 2018 report on [\*Public Service Broadcasting in the Digital Age\*](#) (Ofcom, 2018, page 1). It states:

“Public service broadcasting has so far held up well to greater global competition. Reach, though falling, remains high. The most popular programmes, dramas like *The Night Manager* and *Broadchurch*, and entertainment shows like *The Great British Bake Off* and *Gogglebox*, compare well to the best in the world.”

2.7 It is not clear that these programmes meet any rigorously derived criteria for public service broadcasting or that they could not be provided commercially. In citing these examples, Ofcom seems to be defining public service broadcasting as that content which is shown by those broadcasters that are defined by Parliament and Ofcom as public service broadcasters. The focus is on protecting incumbent providers rather than on ensuring good content is provided.

2.8 Peacock (1986, pages 5-6) draws an analogy between broadcasting and the development of printing and publishing. This analogy can now be taken much further.

2.9 In the 18<sup>th</sup> and 19<sup>th</sup> century technology improved, raw materials costs fell in real terms and real incomes rose and so publishing took off. A similar phenomenon is happening in relation to broadcasting and content provision today. Just as there is no limit to the number of books or other forms of printed content, there is now no limit to the number of items of content it is possible to stream or broadcast. Indeed, the analogies are striking. In both broadcasting and streaming, there is a huge variety of genres, delivered in different ways through different platforms and responding to different tastes. Bookshops, libraries, pamphlets, novels and newspapers all proliferated in the nineteenth century. In 1898 there were around 400 publishers in Britain and Ireland alone<sup>2</sup>.

2.10 This is analogous to the proliferation of producers of broadcasts or organisations streaming content today. The argument that people had to read the same novel or buy

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<sup>1</sup> <https://api.parliament.uk/historic-hansard/commons/1986/jul/03/bbc-financing-peacock-report>

<sup>2</sup> The English Catalogue of Books (1901).

from the same publisher in order to have a “shared experience” (see below for a discussion of this concept) did not prevail. Nevertheless, good quality literature was produced. Rather like broadcast and streamed content today, Dickens’ novels were produced in a huge number of formats. Reliable sales figures do not exist, but *A Christmas Carol* went through 13 editions in its first year. People had a shared experience in Dickens. There was no need for a concept of a “public service publisher” just as there is no need for a public service broadcaster today.

2.11 The parallels between publishing and broadcasting continue almost down to fine details. In publishing, as well as a variety of formats (magazine, newspapers, serialisations, books and pamphlets) there was also a variety of payment mechanisms (subscriptions to series or serials, pay-per-chapter, pay-per-book and subscription to lending libraries which would allow readers to read as much as they wished in return for the subscription or would charge per book borrowed). High and low price elasticity markets were segmented in order to cover fixed costs and to ensure that all who valued the output could benefit (hard backs and higher priced editions being sold before lower-priced and lower-quality editions).

2.12 Given the developments in streaming and broadcast technology, the arguments for the continued funding of the BBC through a television licence, or through a tax on broadband as recently proposed by the BBC, are no stronger than those for a state-funded publisher producing free literature financed by a tax on all other literature. The market is too diverse for policymakers to define a small group of entities that should be distinguished from others as “public service broadcasters”. The market has already developed a diversity that allows it to serve a huge range of cultural, educational, popular and commercial needs. The so-called public service broadcasters do not play any particular part which they could not play if the public service broadcasting policy landscape was dismantled.

### **Public service broadcasting is a redundant concept – but that does not mean we should cease to subsidise broadcasting or other content**

2.13 Globalisation and “catch-up” mechanisms also weaken the case for government support for public service broadcasting. Much high-quality, edifying content that might have previously been uneconomic now has a much larger potential audience as the whole world can watch a programme at any time. It may be the case that people do not watch as much good content as others think desirable, but this cannot easily be solved by simply subsidising the creation of more content. However, the success of channels outside the public service remit is considerable. National Geographic, for example, is watched by nearly 30 per cent of Americans over 30 at least once a month. *The Discovery Channel*, *Quest*, *Yesterday* and *EWTN*, amongst many other conventional channels (some free-to-air, others available cheaply by subscription) and a whole host of on-demand video platforms, show the kind of material that most contributors to debates on broadcasting policy would classify as public service broadcasting. Production of such content is economic and much of it is delivered free.

2.14 Given the diverse ways in which content is produced and streamed, the whole concept of “public service broadcasting” is now no longer meaningful. The concept confuses instruments with targets. Broadcasting and related activities may well form

ways in which policy ends in the field of culture, education and other areas can be achieved. However, a public service broadcasting policy *as such* is no longer necessary. Our current approach only serves the interest of broadcasters.

2.15 The Arts Council, the Department for Education, local authorities, individual schools, academies, groups of universities, cultural organisations, charities, and so on could give grants to producers of content or to broadcasters to promote their various objectives in the same way that they might subsidise the production of a live performance, a website, published material, etc.

2.16 This way of thinking would take policy beyond Peacock. It would not simply be for the government to make funds for public service broadcasting contestable, there would be no policy in relation to or specific funds for or regulation of public service broadcasting at all. The financing of broadcasting could, however, come from a range of government departments, agencies, charities or educational institutions that wanted to achieve their policy objectives through the instrument of financing or subsidisation of broadcast or streamed content.

2.17 One very specific example of how this reasoning would apply can be given. Under the model of BBC funding proposed below, the BBC might choose not to run the Parliament channel. However, government, or parliament, might believe that there is an important public policy objective in making the proceedings of parliament widely available. Having decided that, it can then decide the best instrument to achieve that objective. It could be through live streaming on the internet; by provision of “recorded highlights”; by a dedicated channel with the government or parliament paying the BBC or other host; it could be a channel or internet streaming provided directly by Parliament and possibly inter-mingled with other (possibly historical) content; it could even package content for schools and universities. The correct set of instruments can be determined to achieve the policy objective of connecting the public with parliament. The idea that Parliament must be broadcast through a channel managed by a particular public service broadcaster is not the only way to achieve the policy objective.

### **3. What value, if any, do PSBs bring to the UK in terms of economic (local and national), cultural and societal impact?**

**How would representation be protected if changes were made to the PSB model? How would the nations and regions be affected by changes to the PSB model? Is the ‘quota’ system the most efficient way to maintain and improve representation in broadcasting?**

#### **It is not just PSBs that bring economic, cultural and societal impact**

3.1 There is no evidence that public service broadcasters bring any value beyond that which they would bring if they operated on a subscription model. Indeed, it is increasingly clear that the value being brought through content provision comes from a range of providers (profit-making, community-based, not-for-profit) operating in both niche and popular markets for broadcasting and streaming.

3.2 There has been a huge shift in the number of people receiving content via streaming as opposed to via aerial. Even by 2014, the proportion US households that

received television programming only via aerial (6 per cent) was approximately equal to the proportion that received content only via the internet (5 per cent). (Booth and Davies, 2016, pages 4 and 5). In the UK, the share of the main public service broadcast channels has fallen from 94 per cent to 51 per cent in the 23 years to 2017 (Ofcom, 2018). Also in the UK, 18-34-year olds watch seven times as much Netflix and YouTube as BBC1 content and spend more time watching Netflix and YouTube than all other public service channels put together. The average time spent by all adults watching Netflix and YouTube is greater than the amount of time spent watching BBC1 (Ofcom, 2019, page 19). Furthermore, most non-broadcast content is now watched on a television set (Ofcom, 2019, page 21). This makes it increasingly difficult to justify requiring people to pay for a television licence if they are not watching broadcast content. Interestingly, amongst young people, the proportion of shared viewing of content is increasing dramatically and the length of viewing sessions is increasing. This seems to undermine the argument that we need a “national broadcaster” to bring people together (Ofcom, 2019, page 22). At the time of writing, Joe Wicks is bringing more people together through his PE lessons on youtube than any so-called public service broadcaster is through conventional programming.

### **The BBC adds much value in this context but is increasingly developing a white, middle-aged and middle-class market**

3.3 The BBC, to a large degree, serves better-off markets. Although it is suggested by the BBC (see, for example BBC, 2018), that its service is popular and reaches all households and tastes, the data quoted by the BBC itself raise legitimate questions. The BBC states that 56 per cent of UK adults think that the BBC is effective at reflecting people like them. This figure and others like them are placed in front of pictures of ethnic minority individuals in the report. However, this figure alone tells us nothing about how the BBC is perceived in different parts of the community. Detailed inspection of the BBC's figures finds that, in fact, 64 per cent of ABC1s (higher social class and income people) believe that the BBC reflects people like them whereas only 48 per cent of BAME respondents believe this. Thus, the graphic that the BBC used should really have been in front of a white middle-class person. BAME individuals watch half as much BBC television and listen to half as much BBC radio as the ABC1 group (BBC, 2018).

3.4 Vir et al (2018) suggest that the BBC, as the main public service broadcaster, struggles to deliver content which is appreciated by wide groups of the population. It concluded:

- The BBC was widely considered to have a white, middle class, south east bias
- The representation of older women was considered restricted to just a few roles across a limited range of genres.
- People from lower socio-economic backgrounds felt they are often portrayed in narrow and negative ways.
- Many minority groups feel misunderstood, stigmatised or simply overlooked by society in general, and notice this reflected on TV.

3.5 No judgement is passed on the BBC in relation to these trends. The point is that changing technology has ensured that a wide variety of different content types are

provided by a huge range of providers – some with millions of viewers in the UK and some with a few hundred. Broadcasting and content provision have a huge societal impact, but it is the market as a whole (including not-for-profit and international providers) that provides this and not public service broadcasting as such.

3.6 The market for broadcasting and streamed content has very low barriers to entry. There is no need to protect regional or minority interests directly just as there is no need to protect them in the market for books or other printed material. It might be the case that specific public policy objectives should be pursued using taxpayer funding using broadcasting or other content as the instrument to meet those objectives (see above). But, to focus support for this kind of activity on broadcasting alone and through five broadcasting institutions is to misunderstand how the market for content provision has changed – and to misunderstand the limited reach of those organisations.

### **Are the current regulations and obligations placed on PSBs, in return for benefits such as prominence and public funding, proportionate?**

4.1. It is argued here that the problem is not the regulations and obligations on PSBs but their privileged position in terms of funding and regulation.

### **Funding the BBC**

4.2 The question of public service broadcasting cannot be separated from that of the ownership and funding of public service broadcasters, especially the BBC. Peacock (1986) concluded that the BBC should move to a subscription model. Douglas Hurd, in his presentation of Peacock's report in Parliament (3<sup>rd</sup> July, 1986), stated: "The committee believes that this will take time, but in a few years, in preparation for this, payment for BBC services should be made through subscription, leading to the end of the licence fee system."<sup>3</sup>

4.3 The debate around subscription models was re-ignited by a question asked by Julian Knight MP of Nicky Morgan, then a Member of Parliament and Secretary of State for Culture, Media and Sport, at a Select Committee hearing on 16<sup>th</sup> October 2019. She replied in an open-minded manner.

4.4 Morgan's comment brought a response from the Chairman of the BBC, David Clementi who argued against consumer sovereignty under a subscription model. He suggested that the BBC would naturally reflect the tastes of its subscribers if it followed such a model and that they would be predominantly better-off viewers. James Heath, as Director of Policy at the BBC had made similar arguments in an article published on the BBC website in 2014: "Subscription channels are very good at serving specific audiences but the social and cultural value of the BBC comes from its universal availability as well as the range and breadth of our output."<sup>4</sup>

4.5 There are a number of counter arguments to these points. Firstly, if audiences were to become more fragmented as people watched different content from different providers whilst the BBC is financed by subscription, that would be a reflection of consumer sovereignty and the desire of different types of viewer to obtain their content

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<sup>3</sup> <https://api.parliament.uk/historic-hansard/commons/1986/jul/03/bbc-financing-peacock-report>

<sup>4</sup> See: <https://www.bbc.co.uk/blogs/aboutthebbc/entries/8d83c25d-f2ba-34c7-8e03-edbf806e83c0>



from different sources. An argument is made as to why the BBC should serve a wide audience given that it is funded by the licence fee; an argument is also made as to why we should have the licence fee given that the BBC serves a wide audience. But no clear case is made why we need to have a broadcasting institution that serves a wide audience as a matter of policy<sup>5</sup>. It is very clear, however, that there are still shared experiences of broadcast and streamed content. Such content is not necessarily provided by the BBC however.

4.6 There is no case for the BBC to be financed by a tax on other broadcasters or on broadband more generally. There is a diverse market satisfying a wide range of audiences. If there is a consumer preference for a particular broadcaster to have a wide remit then that will be an outcome of a subscription system. It can be added that the “inclusivity” argument is a dangerous one for the BBC given its very poor performance in this regard. There are many advantages to a subscription model, not least to the BBC itself. Such a model would:

- ensure that subscriber preferences for a diverse range of services provided in different ways were communicated to the BBC;
- be more just: those who used the service would pay;
- ensure that the BBC competed on an equal footing with other broadcasters;
- allow the BBC to generate huge revenue from the 95 per cent of English speaking people outside the UK.

A BBC that rejects a subscription model lacks the self-confidence that it ought to have whilst giving the impression of a sense of entitlement.

### **Ownership of the BBC**

4.7 The question of funding leads directly on to the question of ownership and therefore of regulation. It is often suggested that it is important to have a funding model that maintains what is good about the BBC as an institution. It is argued that institutions are organic entities and simply commercialising the BBC in a competitive subscription market might lead to the destruction of institutional knowledge and memory in such a way that it could not be recreated. I am sympathetic to this argument.

4.8 However, continued state ownership of the BBC is likely to embed inefficiencies, reduce innovation, reduce access to capital, prevent the marketing of services to international audiences that value the BBC, and invite political interference.

4.9 An alternative is full commercial privatisation of the BBC. Congdon (2014) has argued in favour of full privatisation and commercialisation with a shareholder-owned model. He suggested that the audience potential for producers and broadcasters of content is now global and that the BBC should be privatised and commercialised so that it is free to take advantage of all markets.

4.10 However, the inherent value of the BBC as an institution might be lost by full commercialisation. Institutions evolve in the political, civic, social and economic

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<sup>5</sup> Of course, the BBC, with a subscription service, might in any case serve a wide audience. The question is whether this should be an explicit policy objective.

spheres. Might there be a form of governance that will preserve the institutional memory that has evolved whilst ensuring that consumer preferences are reflected in the output of the BBC and that it is exposed to competition?

4.11 In a free society, there are many forms of institution that operate within markets that are not necessarily fully commercial or shareholder-owned. There is a long tradition of other ownership models in sectors such as insurance, banking, retailing and higher education, dating back centuries. It is proposed that the BBC becomes a mutual organisation owned by its subscribers.

4.12 Peacock himself suggested that the BBC should be like the National Trust without elaborating on the precise ownership or governance structure (Peacock in Peacock ed, 2004). His desire was to ensure consumer sovereignty whilst preserving those features of the BBC that are widely admired. It should also be noted that consumer sovereignty is important in relation to governance arrangements themselves: individuals may value being a “subscriber-member” or “subscriber-owner” of the BBC. On the other hand, opinion polls have recently expressed strong objections to the licence fee amongst the general public with neither public ownership nor shareholder ownership having substantial support.

4.13 A subscriber-owned mutual structure would have the following advantages:

- Corporate governance tends to be more conservative (though there would still be full exposure to competition) and, therefore, it is likely that the “institutional memory” of the BBC would be preserved.
- Through joint ventures, all the problems of nationalised ownership can be overcome (this is a typical model used by universities – some of which are somewhat larger than the BBC – and was also used by mutual insurance companies some of which were much larger than the BBC).
- Through the use of a charitable arm, fully charitable educational services could be developed with grants sought from government and private sector bodies.
- There would be much less danger of takeover increasing concentration in the market including by politically motivated bidders.
- The BBC would still have market power, but its ability to exploit consumers would be more limited if consumers were also owners.
- Participation in the organisation may well be valued by the potential owner-subscribers.

4.14 The BBC would be able to provide different packages for different service levels, both domestically and internationally. There could be differences between the subscriptions for streamed, digital and broadcast content and content viewed with a time delay. There could also be different subscription rates, for example, for students and older people. Such differentiation of subscription levels helps promote welfare maximisation where the value of the service differs between groups and the marginal cost of providing the service is zero (Peacock, 1986, pages 29 and 30). Within this model, all individuals and commercial entities that subscribe to a certain level would become equal owners in a mutual structure for the BBC.

## **Regulation of public service broadcasters**

4.15 Turning now to the specific question of regulation, the BBC is currently privileged<sup>6</sup> in the proper sense of the word in that it is exempt from the usual competition laws that apply in the UK and to state-aid rules that apply in the EU. Furthermore, it is able to use its position as a recipient of income generated from a hypothecated tax to compete with commercial providers both in the public service sphere (in so far as that concept can be defined) and in the commercial sphere. Not only that, the BBC's income stream is not dependent on its ability to satisfy viewers, but on the ability of television services as a whole to satisfy viewers.

4.16 BBC Bitesize, a free service which provides educational materials, competes directly with textbooks that cannot be provided for free. The BBC website competes directly with those of local newspapers. There will, no doubt, also be markets where there are no providers other than the BBC because of the unfair competition from the BBC's free provision financed by a licence fee on all television owners. In addition, the media plurality rules are rarely, if ever, applied to the BBC. It is not possible for large newspaper groups to own more than 20 per cent of third channel providers (or vice versa), but the BBC is able to host a news website which is used by more people than any newspaper group website in addition to its television and radio channels which are used as a news source by more people than all newspaper sources put together<sup>7</sup>.

4.17 In addition to this, the media regulator, Ofcom, has introduced rules that require prominence to be given to so-called public service channels on freeview packages. Thus, not only is the BBC protected from the application of many aspects of competition policy, platforms are required to promote it above competitors. Given that the public service channels in the UK are not necessarily producing higher-quality or more edifying material than that of other channels, there is no justification for this legal requirement.

4.18 A move to subscriber funding would remove many of these potential competition problems and reduce significantly the potential for cross subsidies which would be likely to be regarded as anti-competitive in any other context. The specific ownership model discussed above would also alleviate concerns about media plurality. None of the legal privileges above should continue. Whilst all organisations cross-subsidise activities, the BBC should be able to do so only in accordance with the same competition policy rules that apply to other institutions.

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<sup>6</sup> See Hayek (1960), for example, pages 179-180, for a discussion of the true meaning of privilege and how privileges properly defined, as opposed to the casual way in which the term is used today, tend to benefit the elite.

<sup>7</sup> Ofcom (2019), page 21.

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